

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

The Examiner has indicated that the reply filed January 27, 2003 is not fully responsive to the prior Office Action since such is believed to contain new matter with respect to Claim 13. In addition, Applicants are required to more fully respond to the election of species requirement for Sections 5-7 of the Office Action of December 26, 2002.

In response to the Examiner's comments regarding Claim 13, such has now been amended so as to directly correspond to the language of Claim 3, as originally filed, and has therefore been amended as suggested by the Examiner in the present Office Action. The Examiner's suggestions are hereby acknowledged and are sincerely appreciated. Should any further changes be found to be necessary in Claim 13 for compliance with U.S. Patent Office rules and regulations, the Examiner is invited to call Applicants' attorney.

With respect to the election of species for Sections 5-7, Applicants wish to more fully respond by stating that, with respect to Sections 5 and 6, Applicants wish to select (ii) aluminum alloy and (2) Al-Mg-Si aluminum alloy, respectively, with traverse. In the event Applicants are required to select one compound for Section 6 (1), despite the fact that (ii) aluminum alloy has been selected, Applicants provisionally select Al_2O_3 as the third particle to be used in the aluminum composite material.

With respect to the requirement in Section 7 of the previous Office Action, Applicants select B_4C .

Applicants further note that it is believed that an error exists in the requirement by the Examiner in stating that species (iii) is available for election since Applicants respectfully submit that the indicated embodiment where boron is included in a mixture of alumina

composite material and an aluminum alloy does not exist in the disclosure of the specification of the present application.

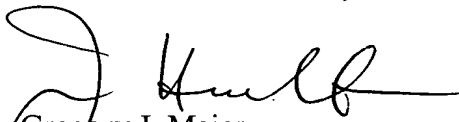
With respect to page 3, last paragraph of the present Office Action, it is to be noted that an object of the present invention is to provide an absorbing rod that increases the accommodation density of spent fuel assemblies for the PWR (pressurized water reactor). This conclusion is supported by the fact that portions of the application other than that referred to by the Examiner emphasized that a PWR having boron as the neutron absorbing material is consistent with the disclosure. In particular, it is noted that Figures 1-5 are directed to the first embodiment of the application and are for a PWR as specifically mentioned in the specification. In this regard, on page 14, lines 10-21 of the specification, the structure of Figure 5 is described and it is stated in lines 16-20 that the absorbing rod 11 is composed of aluminum composite material or aluminum alloy formed by adding a powder or boron or of a boron compound having a neutron absorbing capability to a powder aluminum or an aluminum alloy. Accordingly, this discussion supports that a PWR having boron as the neutron absorbing material is consistent with the disclosure of the present application.

The election of species requirement noted above is traversed insofar as it is now believed that the restriction requirement serves to adequately demonstrate that the species identified are patentably distinct from one another. In addition, the restriction requirement is believed to be unduly burdensome to Applicants in terms of the number of applications needed to be filed to adequately protect all species identified by the Examiner.

In view of the foregoing, an early and favorable Office Action is believed to be in order and the same is hereby respectfully requested.

Respectfully submitted,

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IN THE CLAIMS

--13. (Twice Amended) An absorbing rod which is to be inserted into a control rod guide [pip] pipe of bent fuel assemblies or a measuring pipe, said absorbing rod comprising a solid structure comprising one of an aluminum composite material and an aluminum alloy formed by adding[, to aluminum or an aluminum alloy powder, a powdered] powder of boron or of a boron compound having a neutron absorbing performance to a powder of aluminum or of an aluminum alloy, said absorbing rod being insertable into one of said control rod guide pipe and said measuring pipe when transporting spent fuel assemblies stored in a casket.--